

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: : Case No. 18-70651-JAD
BIBI FATHEMA DOWLUT, :
: Chapter 13
Debtor, :
: Doc.
NORTHWEST BANK, f/k/a NORTHWEST :
SAVINGS BANK, : Related Doc. No.: 29, 41, 57
Movant, :
: v.
: :
BIBI FATHEMA DOWLUT, :
Respondent. :
:

**STIPULATED CONSENT ORDER ON MOTION FOR RELIEF FROM STAY
AND GRANTING RELIEF FROM STAY TO NORTHWEST BANK**

Northwest Bank, f/k/a Northwest Savings Bank (the “**Bank**”), by and through its undersigned counsel, Tucker Arensberg, P.C., and Bibi Fathema Dowlut (the “**Debtor**”) by and through her undersigned counsel, James Huff II, Esq., file this Stipulated Consent Order to resolve Northwest Bank’s Motion for Relief from the Automatic Stay at Doc. 29 (the “**Motion**”) pending before the United States Bankruptcy Court for the Western District of Pennsylvania (the “**Court**”) at Case No. 18-70651-JAD, for consideration by the Court on April 5, 2019 and the parties hereby stipulate and agree:

1. The Bank shall be and is granted relief from the Automatic Stay to enforce its mortgages and judgments as to Mortgaged Premises¹ effective May 1, 2019, so that the Bank may in its sole discretion file a Praeclipe for Writ of Execution with the Prothonotary for Blair

¹ As that term is defined in the Motion.

County, Pennsylvania for the September 2019 Sale Date (the “**Scheduled Foreclosure Sale**”) and the Mortgaged Premises may be sold at that Sale unless either of the following conditions are met (the “**Settlement Conditions**”):

- a. Chapter 11 Plan Bibi Fathema Dowlut (the “**Debtor**”) shall have filed and obtained confirmation of a Chapter 11 Plan of Reorganization by August 30, 2019. Nothing in this provision shall be deemed to be a consent to or acceptance of any plan at this time or a waiver of any rights by the Bank and the Bank reserves the right to contest the terms and confirmation of any plan; or
- b. Refinance of the Bank’s Claims. On or before the business day before the Scheduled Foreclosure Sale, Debtor shall have paid the Bank’s claims in full including legal fees, costs and any poundage fees that may be incurred due to cancellation of a scheduled sheriff’s sale.

2. In the event the Debtor complies with the Settlement Conditions, the Bank will cancel the Scheduled Foreclosure Sale. However, the Debtor will be responsible for and shall reimburse the Bank for any poundage fees paid to the Sheriff with respect to the cancelled sale.

3. The Bank’s claims evidenced by Proofs of Claim 17, 18 and 19 (the “Bank’s Claims”) are allowed as fully secured claims.

4. The Court’s Adequate Protection Order dated December 3, 2018 requiring the Debtor to make monthly adequate protection payments in the sum of \$6,640.70 to the Bank shall remain in full force and effect, including paragraph 4 of said Order.

5. On or before April 19, 2019, the Debtor shall provide, or cause to be provided, to the Bank the updated certified financial statements (balance sheet and profit and loss) for Debtor, Dr. Mohammed Dowlut and Lakemont Medical Center with copies of those entities’ last filed tax returns.

6. The relief requested herein is necessary, and in the best interest of the Debtor and its estate.

7. Nothing contained herein shall prejudice either of the Parties from seeking further or other relief from this Court and the Parties reserve all rights and remedies available to them at law or in equity.

8. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

9. The evidentiary hearing scheduled on this matter for April 5, 2019 at 11:00 AM is hereby cancelled.

Approved _____, 2019

BY THE COURT:

Jeffery A. Deller
United States Bankruptcy Judge

Consented and agreed to this 29th day of March, 2019:

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